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7 Attorney for Montie S. Day, a Creditor

8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 In Re:)
11 Richard A. Stellmacher and) CASE NO. 2009-25010
12 Arna I. Stellmacher,) DC No. MSD-2
13 Debtors) Chapter 7
14)
15) Date: April 27, 2010
16) Time: 9:30 a.m.
17) Dept: C
18) Courtroom 35

19 *The Courtroom of the Honorable*
20 *Christopher M. Kline*

21 MOTION FOR ORDER COMPELLING
22 TRUSTEE TO ABANDON CERTAIN PROPERTY AS ASSETS OF THE
23 ESTATE (11 U.S.C. Section 554 and Bankruptcy Rule 6007)

24 Montie S. Day, a creditor in the above-captioned matter, will and does hereby move
25 this Court pursuant to Title 11, U.S.C. Section 554 and Bankruptcy Rule 6007 for an Order
26 compelling the trustee to abandon the bankruptcy estate's interest to Richard A. Stellmacher
27 and Arna Stellmacher certain property which represents potential assets to the estate, as
28 follows:

1. Any and all claims against Regalia Mortgage Company, Inc., dba Regalia Mortgage Company, Robert Guerrero, Luis Guerrero, Regalia Mortgage Company Mexico, S.A. DE C.V. SA, Manual Vizcarra, Mr. James Russell Lowell, III, or other individuals or entities as may have been involved in the matters described in the complaint filed in the United States District Court for the Eastern District of California entitled "RICHARD STELLMACHER, an individual, dba STELLMACHER CONSTRUCTION & DEVELOPMENT, ROBERTO M. GUERRERO, aka ROBERT GUERRERO, aka

1 ROBERTO GUERRERO MONTANO, an individual; LUIS GERARDO GUERRERO, aka
2 LUIS GERARDO GUERRERO MONTANO, an individual; MANUEL VAZCARRA, an
3 individual; REGALIA MORTGAGE COMPANY, INC., a California corporation, and
4 REGALIA MORTGAGE COMPANY MEXICO S.A. DE C.V., a foreign business entity,
5 both doing business as REGALIA MORTGAGE COMPANY” Case No. 1:08-CV-01551-
6 AWI-DLB.

7 2. Any and all potential claims regarding the litigation of *Baek v. Stellmacher*, etc.,
8 which was filed in the Superior Court, County of Stanislaus, State of California, Case No.
9 612781 but not limited to claims against Seung Won Baek for attorney fees and costs as may
10 be awarded by the Court, and any and all potential claims against Mr. Baek as may exist, and
11 claims against any attorney involved in the case, including claims against Mr. Baek and/or
12 Mark Alexander, Attorney for Seung Wong Baek.

13 3. Any and all claims or potential claims against Michael Fluetsch and/or the law
14 offices of Fluetsch & Fluetsch, including any claims of malpractice or other claims arising
15 of the legal services and/or representation of the debtors prior to the filing of the petition.

16 4. Any and all stock or other interest in STELLMACHER CONSTRUCTION &
17 DEVELOPMENT COMPANY, INC., a corporation, and any claims which may be held by
18 the corporation.

19 Said grounds will be supported by this notice of motion, by the motion filed herewith,
20 by the pleadings and papers on file in this bankruptcy case, memorandum of points and
21 authorities herein, declaration in support of this motion, the Request for Judicial Notice,
22 filed herewith, and by such oral and documentary evidence as the Court may permit upon the
23 hearing of this motion.

24 Date: March 18, 2010

DAY LAW OFFICES

/s/ Montie S. Day

BY: _____
Montie S. Day, Attorney